

201 KAR 12:190. Investigations and complaints.

RELATES TO: KRS 317A.140, 317A.145

STATUTORY AUTHORITY: KRS 317A.145

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.145(1) requires the board to receive and investigate complaints relating to a licensee's business or professional practices and illegal practices. This administrative regulation establishes the requirements relating to investigations and complaints.

Section 1. Definition. "Complaint" means any writing received by the board which contains the name of the complainant and alleges a violation of KRS Chapter 317A or 201 KAR Chapter 12 by a licensee relating to the licensee's business or professional practice.

Section 2. The board or other board personnel shall receive all complaints against a person or salon licensed under the provisions of KRS Chapter 317A and 201 KAR Chapter 12 relating to the licensee's business or professional practices.

Section 3. The board shall make available to the public its Complaint Form, which shall be used by any person filing a complaint against a licensee.

Section 4. Each complaint received by the board concerning a licensed person or salon shall be investigated.

Section 5. The board may, at any time, on its own volition or on the basis of information available, conduct an investigation or inspection and file a complaint against a person or salon licensed under the provisions of KRS Chapter 317A and 201 KAR Chapter 12.

Section 6. A complaint that alleges that a licensee or salon has violated a provision of KRS Chapter 317A or 201 KAR Chapter 12 shall be sent to the licensee or salon before the complaint is placed on the board agenda. The licensee shall be provided ten (10) days after the complaint is mailed to file a written response to the complaint.

Section 7. The complaint and the response, if any is received, shall be placed on the board agenda for consideration at the next board meeting, or as soon thereafter as is practicable, following receipt of the written response or the expiration of the ten (10) days provided for a response, whichever occurs first.

Section 8. The board members shall review the complaint and any response received and shall take action as it deems necessary.

Section 9. Any board member who has participated in the investigation of a complaint or who has substantial personal knowledge of facts concerning the complaint which could influence an impartial decision by the board member shall disqualify himself or herself from participating in the adjudication of the complaint.

Section 10. Incorporation by Reference. (1) "Complaint Form", October 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky State Board of Hairdressers and Cosmetologists, 111 St. James Court, Suite A,

Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (15 Ky.R. 1726; eff. 3-10-89; Am. 20 Ky.R. 1036; eff. 1-10-94; 40 Ky.R. 392; 1037; eff. 12-6-2013.)